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12 NORTHSTAR LOCATION SERVICES, LLC

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14 UNITED STATES DISTRICT COURT

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16 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

17

18 BONNIE J. HALE

19 CASE NO. **5:10-cv-04473-PSG**

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21 Plaintiff,

22

23 vs.

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25 NORTHSTAR LOCATION SERVICES, LLC

26 **DEFENDANT NORTHSTAR
27 LOCATION SERVICES LLC'S
28 ANSWER TO PLAINTIFF'S
COMPLAINT**

29

30 Defendant.

31 Complaint Filed: October 4, 2010
32 Trial Date: Not Set.

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34 Defendant NORTHSTAR LOCATION SERVICES, LLC. (“NORTHSTAR” or
35 “Defendant”) answers Plaintiff's Complaint as follows:

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37 **PARTIES**

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39 1. Defendant's investigation is ongoing and continuing and is unable to admit or
40 deny the allegations in said paragraph at this time.

41

42 2. Admit.

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44 **JURISDICTION**

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46 3. Defendant admits that jurisdiction is proper in the above-captioned Court.

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48 4. Defendant admits that jurisdiction is proper in the above-captioned Court.

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50 5. Defendant admits that jurisdiction is proper in the above-captioned Court.

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VENUE AND INTRADISTRICT ASSIGNMENT

6. Defendant admits that venue is proper in the above-captioned Court.

7. Defendant admits that venue is proper in the above-captioned Court.

FACTS COMMON TO ALL COUNTS

8. Admit.

9. Admit.

10. Admit.

11. Defendant's investigation is ongoing and continuing and is unable to admit or deny the allegations in said paragraph at this time.

12. Defendant's investigation is ongoing and continuing and is unable to admit or deny the allegations in said paragraph at this time.

13. Defendant's investigation is ongoing and continuing and is unable to admit or deny the allegations in said paragraph at this time.

14. Defendant's investigation is ongoing and continuing and is unable to admit or deny the allegations in said paragraph at this time.

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21. Defendant's investigation is ongoing and continuing and is unable to admit or deny the allegations in said paragraph at this time.

22. Defendant's investigation is ongoing and continuing and is unable to admit or deny the allegations in said paragraph at this time.

23. Defendant's investigation is ongoing and continuing and is unable to admit or deny the allegations in said paragraph at this time.

COUNT ONE
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

24. Defendant incorporates its responses to the preceding paragraphs.
25. Deny.

COUNT TWO
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

26. Defendant incorporates its responses to the preceding paragraphs.
27. Deny.

COUNT THREE
VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

28. Defendant incorporates its responses to the preceding paragraphs.
29. Deny.

COUNT FOUR

30. Defendant incorporates its responses to the preceding paragraphs.
31. Deny.

AFFIRMATIVE DEFENSES

As separate and distinct affirmative defenses to plaintiff's Complaint and each claim alleged therein, this answering defendant asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

(Failure to State Cause of Action)

The Complaint fails to set forth facts sufficient to state a cause of action against Defendant.

SECOND AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

Plaintiff failed to mitigate his damages, if any, and accordingly, is not entitled to the relief sought in the Complaint.

THIRD AFFIRMATIVE DEFENSE

(Statute of Limitations)

The action is barred by the appropriate Statutes of Limitation.

FOURTH AFFIRMATIVE DEFENSE

(Laches)

The Complaint is barred by the doctrine of laches.

- FIFTH AFFIRMATIVE DEFENSE**
(Unclean Hands)
red by the doctrine of unclean hands.
- SIXTH AFFIRMATIVE DEFENSE**
(Waiver & Estoppel)

Plaintiff waived and is estopped and barred from alleging the matters set forth in the Complaint.

SEVENTH AFFIRMATIVE DEFENSE

(Lack of Consideration)

The Complaint is barred by a failure and/or lack of consideration.

EIGHTH AFFIRMATIVE DEFENSE**(Setoff)**

Assuming, arguendo, that any claims set forth in the Complaint give rise to damages, which claims and damages are denied by Defendant, such damages and claims would be subject to setoff based both on the acts and omissions of Plaintiff.

NINTH AFFIRMATIVE DEFENSE**(Bona Fide Error)**

Any violations of Defendant (which are denied) are the result of bona fide error.

TENTH AFFIRMATIVE DEFENSE**(Right to Cure)**

Defendant has no liability to plaintiff because Defendant made the necessary adjustments and corrections to cure the alleged violations, which it denies, with respect to the debtor.

ELEVENTH AFFIRMATIVE DEFENSE**(Bad Faith)**

Plaintiff's prosecution of the action is in bad faith.

TWELFTH AFFIRMATIVE DEFENSE

Defendant alleges as an affirmative defense that it intends to rely upon such other defenses that may become legally available hereafter, or that become apparent during discovery proceedings in this case, and hereby reserves its right to amend its answer to assert such defenses.

JURY DEMAND

Bench trial is requested.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for judgment in its favor as follows:

1. That Plaintiff takes nothing by reason of his complaint;
2. For Defendant's attorney's fees;
3. For Defendant's cost of suit herein; and
4. For such other and further relief as this Court deems just and proper.

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2 Dated: December 17, 2010

GORDON & REES LLP

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4 By:

/s/ Mark C. Russell

5 MARK C. RUSSELL
6 Attorneys for Defendant:
7 NORTHSTAR LOCATION
8 SERVICES, LLC

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